FATA, TALIBAN, AND SECURITY CONCERNS OF AFGHANISTAN

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ABSTRACT

In the new millennium Terrorism has emerged as a global threat. After 9/11 -attacks on US World Trade Centre by Al Qaeda, United States started an International War against Terrorism. The US aimed at putting an end to the Taliban network operating from Afghanistan and from Pakistan-Afghanistan border. FATA region of Pakistan that borders Pakistan-Afghanistan border was and is home to training and operations of Taliban networks. The fragile Durand border makes possible the easy movements of terrorist networks.

Even after 20 years, US could not be said to have received a decisive victory in the war. US is not even successful in controlling Taliban activities or networks or bring peace and development to Afghanistan. As US has started withdrawing its forces from Afghanistan, there is every possibility that Taliban will grab power in Afghanistan once again.

Taliban is not only a concern for Afghanistan but as well it is a concern for Pakistan. In order to control the Taliban problem, Pakistan decided to cut the roots of these groups by bringing FATA into Pakistan's mainstream. Pakistan believed that thereby it can put an end to the militant history of FATA.

Academics and policymakers have often concentrated on Taliban's role in Afghanistan and emerging security threats. However, there is a need to look at this problem not only as an internal security matter of Afghanistan but also look at a bit neglected aspect of implications of FATA-KP merger on Afghanistan. The paper tries to establish the link between FATA-Taliban and Afghanistan and tries to find out the security implications of FATA-KP merger for Afghanistan.

KEYWORDS: FATA, FATA-KP Merger, Durand Line, Taliban, War against Terrorism & Security Threats

Original Article

INTRODUCTION

For the last two decades, Taliban - the main anti-US, anti-Pakistan and anti-Afghanistan fundamentalist force has proved to be a major security threat. US led international war against terrorism that began after 9/11 will finally be concluded after US finally withdraws from Afghanistan. However, US withdrawal will not bring peace in Afghanistan, neither it is an indication of US control of terrorist networks. US withdrawal does not signify a decisive victory of US nor an assurance of political stability in Afghanistan. Rather US withdrawal would probably result in the reestablishment of Taliban in Afghanistan. In a way, it would be a rejuvenation of Taliban forces.

Revival of Taliban is not only an internal matter of Afghanistan, but also equally an internal matter of Pakistan as Taliban networks exist in the border areas of Afghanistan and Pakistan – the tribal areas known as FATA. After 9/11 attacks when US began the war against terrorism, these areas came under focus. Taliban forces

began to enter inside Pakistan. But Pakistan was an ally of US in this war and hence at least openly could not provide a haven to them. Taliban since then have been anti-Pakistan and proving to be a threat to Pakistan's internal security.

In 2018, the Government of Pakistan passed a historic constitutional amendment (25th Constitutional Amendment) to end the semi-autonomous status of its Federally administered Tribal Areas and merge it with Khyber Pakhtunkhwa – one of the four provinces of Pakistan formerly known as Northwest Frontier Province. The primary reason for this merger is the need to bring the underprivileged tribal region into mainstream and thereby attempt to put an end to its militant history and bring peace and stability in the region. Thus, the decision of mainstreaming FATA is extremely important for Pakistan's internal and external security.

But it must be understood that this decision of Pakistan has a concern for Afghanistan's external and internal security as well. Pakistan believes that FATA-KP merger will help control Taliban networks operating in Pakistan. On the other hand, Taliban who would be forced to vacate FATA can easily cross the fragile border- Durand line between Pakistan and Afghanistan and will shelter in Afghanistan. US decision to finally leave from Afghanistan is an opportunity for them to regain their foothold which will multiply security concerns of Afghanistan. It is, therefore, necessary to take into consideration the implications and challenges posed by FATA-KP merger and understand that this decision also has consequences for Afghanistan's security.

HISTORY OF FATA

In the 19th century, expansionist policies of the British and Russia created a possibility of serious conflict. British control of India extended to Punjab in 1849 that bordered NWFR. Beyond the frontier was tiny Afghanistan and to the north of Afghanistan was a mighty Russian empire which was considered a major threat by the British. British were apprehensive about Russian expansion in Central Asia. The major worry was, to get access to warm waters Russia would try to reach South Asia and to India. For British power and Russian empire, Afghanistan was strategically important, a buffer state, hence both tried to control Afghanistan. To stop Russian expansion towards South, the British invaded Afghanistan twice, in 1838 and 1878 but were defeated by a guerrilla army drawn primarily from the Pashtun tribes that inhabited the region. Pashtun Tribes or Pathan as they are called in Afghanistan are known to be a fighter community that follows distinct tribal code and conduct. They never allowed any invaders to control the region or interfere in their affairs but granted safe passage to them on the condition of independence. As for the British, the control of tribal territory was important as a strong defence against Russians, they had an agreement with the tribal region from 1849 that ensured preserving the unique administrative and political setup of Tribal areas.

In 1893, Great Britain dispatched a British diplomat, Mortimer Durand, to negotiate an agreement to delineate the border between the Emirate of Afghanistan and British India. Durand line was drawn and finally, the British secured permanent control of strategic Khyber Pass - the traditional trade and invasion route. The Durand Line also ensured that there would be a thin strip of Afghanistan running to the Chinese border, thus separating the Russian empire from British India[i].

Though the British drew a border, they maintained an autonomous status of Tribal areas. British controlled tribal area - FATA by appointing political agents and tribal leaders but the people were left to follow their own traditions and enjoy internal independence. This was called the close border policy-maintaining control with autonomy to tribal areas. In 1901 New frontier Crimes regulations were adopted. Institution of Local Chief – Malik was created and till 1947, the

British controlled the area only through Malik.

FATA and Afghanistan

Durand line though achieved British objectives had serious implications for Afghanistan. The new border divided the Pashtun tribal lands, a region informally referred to as Pashtunistan in two, with half of the Pashtun tribal region now part of British India (FATA) and the balance remaining part of Afghanistan. Thus, the Durand line took away Afghanistan's control over those territories and arbitrarily divided its largest tribal grouping. The line also assigned control of the province of Baluchistan to British India. It was a great strategic loss for Afghanistan as it lost access to the Arabian Sea. Afghanistan now became landlocked, without any access to the Arabian Sea and the Indian Ocean except through Pakistani territory[ii]. Durand line was accepted as a border between British India and Afghanistan, but after the British left the region, Afghanistan refused to recognize Durand Line as an international border between Pakistan and Afghanistan claiming that all the agreements and treaties cease after the British left Indian Subcontinent. Concerns about Durand line is an existential concern for Afghanistan as questioning the legality of Durand line helps Afghanistan to reassert its claim over the tribal areas which were arbitrarily divided by Durand line.

Pakistan's Control over FATA

Once the British left India, the tribal region became part of Pakistan after the partition of India and Pakistan. It was called the Federally Administered Tribal Areas. FATA lies in the Northwest of Pakistan along the border between Pakistan and Afghanistan. The seven agencies that constitute FATA were under the control of the President of Pakistan through the Governor of NWFP. Pakistan continued with the British policy of retaining semi-autonomous special administrative status of FATA under which it could exercise administrative authority based on tribal code and institutions. The laws passed by the Parliament of Pakistan do not apply to FATA. Also, their judicial and executive system is different. FATA has been traditionally regulated by their local governing authority and by their local laws (Pakhtunwali) and not by the Pakistani Government. Even Pakistani Security forces or Police authorities never had any powers over these areas. The autonomous status of FATA was officially accepted by the 1973 constitution of Pakistan.

FATA in the Politics of Pakistan

FATA always had extremely limited political participation in Pakistan's politics. FATA is represented in the National Assembly of Pakistan (12 seats) and in Senate (8 Seats) but till 1996 there was no universal adult franchise[iii] and its representation in the national assembly was selected by Tribal Malik. Only they had voting rights. Also, official political parties were not allowed to operate inside FATA[iv].

FATA could never be integrated socially, economically, politically, or culturally with mainland Pakistan. All these years, the Pakistani government neglected this region, as a result, these areas remain underdeveloped. Non-participation in the political process gave rise to the feeling of deprivation of their rights which further gave rise to a demand for Pashtunistan. Pakistan's government considered it a threat to the integrity of Pakistan. and tried to suppress the demand with the use of military instruments. This was a strategy of Pakistan's military government after the separation of Bangladesh. Further, in the 1970s to erode tribal order of Pashtuns, the Government of Pakistan started building Madrassas paving way for religious Mullahs to replace Malik (the political leaders) and encouraging religious orthodoxy and fundamentalism in these areas.

Soviet Invasion and its Impact on FATA

Previously neglected FATA acquired political significance after the Soviet invasion of Afghanistan. Soviet invasion of Afghanistan had a widespread and long-term impact on these areas. Pakistan played an important role in the new cold war between US and SU. US-trained Jihadi forces entered Afghanistan from Pak-Afghan Durand line. Those Mujahidin forces established their bases in these tribal areas. These tribal areas also supplied routes of arms and ammunition to the Mujahidin forces. During the war, the refugees who fled from Afghanistan were also sheltered in FATA. This put a lot of strain on the already weak economy of FATA. The weak economic conditions encouraged the illegal trade of arms and narcotics.

Though Soviet forces withdrew from Afghanistan in 1989, it did not end the conflict in Afghanistan between the Soviet-backed Government of Najib and Mujahidin. In this unstable environment, Student's military organizations of Sunni Muslims basically Pashtuns started taking birth, supported by US. These student's military organizations were called Taliban as Talib-e-Ilm means students. Madrassas in FATA nurtured the extremist regime of Taliban by giving them training in Jihad. These extremist groups attracted the young unemployed youths, provided funds, thus gained legitimacy. They helped to end the rule of Soviet-backed government in Afghanistan.

Taliban Rule in Afghanistan

After the fall of Najib's government, several political parties in Afghanistan agreed on the power sharing agreement and finally with the support of US and Pakistan, Islamic State of Afghanistan was established in 1992, with an interim government for a transitional period under Rabbani. But political stability was not achieved as civil war began between different ethnic communities – dominant Pashtun verses other ethnic groups (such as Tajik, Uzbek, Hazara and Ismaili) for share in power. Finally, by 1996 Taliban were successful in establishing their hold over 90% of Afghanistan. Pakistan continued to support morally and practically by providing funds and arms to Taliban in Afghanistan. The Taliban, being a movement of primarily Pashtun community, was supported by Pashtuns in Afghanistan and FATA. The interim government of Afghanistan (supported by US) along with the other non-Pashtun communities came together to form Northern Alliance against Taliban. Taliban managed to remain in power till 2001.

Post 9/11

America who nurtured Mujahidin (later turned Taliban) to fight Soviet Army was now supporting anti-Taliban strategies. This made Taliban anti-America. 9/11 attacks on World Trade Centre were Taliban assault against US. US launched the war against terror and NATO forces entered Afghanistan. Pakistan and Saudi Arabia were the partners of US in this war. Thus, all those who supported Taliban now adopted anti-Taliban strategies at least officially. Taliban were forced to leave Afghanistan, who took shelter in NWFP and FATA. Since then, these areas came under focus. These Tribal areas then became the hubs of terrorist activities.

Under US pressure Pakistani military was compelled to act against the terrorist groups in FATA and NWFP. These areas no more remained the safe heavens of the terrorist groups due to security camps of American and Pakistani military alongside Durand Line. American and Pakistani military action against Taliban in FATA and NWFP resulted in chaotic conditions in FATA. Pakistan's military action against Taliban groups settled or sheltered in FATA alienated them from Pakistan. As a result, they started entering different parts of Pakistan and engage themselves in terrorist activities within Pakistan to express their anger against Pakistan's government and military.

FATA and Internal Security Challenges in Pakistan

As FATA became the hub of terrorist activities, Pakistan's internal security started deteriorating. The government of Pakistan during the Musharraf era was under the constant threat of terrorist attacks. Terrorism which was supposedly supported by Pakistan to achieve its objectives in Kashmir now had a boomerang effect. Their Anti-US and anti-Pakistan approach led to the bleeding of Pakistan.

The presence of Taliban networks in FATA also had resulted in the deteriorating conditions in FATA itself. Poor governing conditions in FATA and neglect of the Pakistani Government over the years had already led to worsening social, economic, and political conditions in FATA for long. The terrorist networks, smuggling and trafficking of drugs and weapons, the military operations in the region had resulted in deteriorating infrastructural facilities. The region continued to remain backwards with no hopes for development. The people never had a right to legal representation and could not appeal in any court of law. Even they were denied fundamental rights. The people were treated in a hostile and unfriendly manner. They were discriminated against and harassed by security personnel. The absence of political and judicial rights, corrupt political agents and Malik and unjust laws had further alienated the people of FATA from mainstream Pakistan. After Pakistan's government and America started military action against Taliban camps, it also led to a lot of insecurity for local people in FATA. The people in FATA who resisted Taliban faced threat to life. They had no option but to leave FATA and get displaced as they were not welcomed in any other part of Pakistan due to deep mistrust.

Under these conditions "to bring FATA into mainstream Pakistan" was sought as a measure to control the anti-State terrorist networks.

FATA-KP MERGER

To control terrorism, to bring FATA into the mainstream and integrate FATA with Pakistan, in May 2018 the Parliament passed a bill to merge FATA with KP. Historically FATA is governed by KP – the governor of KP is the representative of the President. The people of FATA can easily be assimilated with KP due to the common language and culture of Pashtun community.

KP has a defined legal and administrative system. Merger with KP will bring FATA under the legal, administrative system of KP. The Laws of Pakistani parliament will be applicable to FATA. The citizens will get the right to appeal in a court of law. And more important the authority of political agents and Malik will be reduced completely. Jirgas will be replaced by a proper judicial system. Police and law enforcement units will start working. People in FATA would become full legal citizens, can elect their own representatives directly, laws will apply to them, and they can seek justice in courts.

The proposal of FATA-KP merger was first discussed by the Committee on FATA Reforms set up by the Government of Pakistan in 2015. This Committee recommended the gradual merger of FATA with KP over the course of five years. But in 2018, Pakistan made a premature move towards merger without even establishing the administrative institutions to support the new system of laws. There was also an absence of proper judicial and police system in the tribal areas. The invalidity of old administrative structures and absence of new ones thus created a legal vacuum for the people in FATA.

For the people of FATA, undermining of the traditional judicial system of Jirgas was difficult to accept. They had experienced and believed that Jirgas ensured speedy justice and roots of justice would be in the traditions and customs.

Thus, Jirgas operated in tune with tribal culture. The new judicial system or courts are far from earning the trust of people in respect of timely justice and respect to culture and traditions of Tribals.

Also, the decision to merge challenges the hitherto unquestioned power of Tribal people. Hence it becomes more difficult to convince them about the positive side of the merger. Further local resistance to the decision of merger leads to clashes between local leaders and Pakistani Army angers the people and increases their frustrations.

These conditions of uncertainty in FATA and the punctured economic and security conditions in Pakistan results in the delay in the development process widening the rift between tribals and the government of Pakistan.

Emerging Security Concerns for Afghanistan

Afghanistan has raised strong objections to FATA's merger with KP for political and security reasons.

Political Reasons

FATA's merger with KP permanently makes FATA- a part of Pakistan by bringing these areas into Pakistan's legal, administrative and judicial setup. Durand line will get a sanctity and will become inviolable. Afghanistan considers this as a one-sided approach, as neither Afghanistan's concerns are taken into consideration, nor the concerns of the people from the border areas. Even the frontier population does not accept the legitimacy of Durand line or say they do not assign much importance to Durand line and cross the line as a routine without considering it as a boundary. The communal relationships across the border and the need for daily movement within such communities make this line irrelevant for them. Durand line divided the region but could not draw boundary between the ethnic Pashtun community.

Afghanistan argues that this decision of Pakistan of merging FATA into KP undermines Afghanistan's legitimate claim over FATA and will force Afghanistan to accept Durand line. Apart from political complications, this decision will have serious security implications for Afghanistan.

SECURITY REASONS

Durand line is a porous border. The Durand line was the outermost line of British control that separated the territories under the control of Afghanistan. According to Afghanistan it was not a formal border but a frontier that separated the areas governed by the British and areas governed by Afghan rulers[v]. Technically there exists a distinction between boundary and frontier, though in practice the terms are often used synonymously. Boundaries are the well-defined lines between the two geographically connected states, which can regulate the actions and the movements of population living within the area defined by boundary. Frontiers are the regions, the area that faces the boundary of the other state, in a way the area of free operation.[vi] According to Afghanistan, the agreement between the British and rulers of Afghanistan drew the frontier and not the boundary and the formal boundary was to be drawn.

On this 2,400-kilometre-long border which is non-demarcated, according to a former Pakistani ambassador to Afghanistan, Rustam Shah Mohmand, there are 235 crossing points along the border, that is approximately one crossing point per 10 kilometres. Only twenty of them are used frequently and only two of them - Torkham Gate in eastern Nangarhar province and the other is the Wesh–Chaman Gate in the southern Kandahar province have all the essential border controls in place, such as immigration, customs and security checkpoints. While these two crossing points are used by people from across Afghanistan, the eighteen other routes are frequently used as crossings points used mostly by the local population on both sides of the line and are motorable[vii]. These same are also used by smugglers and traffickers of

illicit drugs, as well as by militants fighting in both countries who want to reach major urban centres in Afghanistan or Pakistan. The several other non-official crossing points are mostly local trails connecting one community or part of a community to another. On all these points their strong communal bonds facilitate their entry. In such a case, Durand line remains a border that cannot divide the local population.

The line goes through the mountainous regions which are mostly inhabited by farmers living on both sides of the border. As Pakistan's government never had control in those areas, the border is also not well guarded and security on the border is non-existent. This was true even during the British era. The traditional rulers – Maliks would take all responsibility for maintaining law and order in the region with the help of local militants. The local problems would be settled by the rules of the tribal community and would be implemented by elders in the community. During the British period there existed only small military bases and the same practice was continued by Pakistan. Pakistan does not have military bases in Khyber, Khurram, North and South Waziristan agencies. Even though FATA is brought under complete control of Pakistan the multiplicity of routes along the long, porous Durand Line and the rugged terrain it runs through have made it, in practice, impossible to completely 'seal'[viii].

FATA is a heaven of terrorist groups. Al-Qaeda and Afghan Taliban have their bases in FATA. These forces conduct attacks on Afghanistan Government and on the forces assisting Afghan Government. The absence of government security forces along these crossing points means the Taleban can readily travel between the two countries. The Taliban fighters and Pakistani security forces on the border areas seem to have very friendly relations. As a result, there is no disruption to the movement of Taliban forces across the border. They can cross the border very easily. Thus, the movement of Taliban is a totally uncontrolled movement due to the Taleban-friendly attitude of the Pakistani forces. Along with the friendly attitude of security forces, another aiding factor is the networks of smugglers and drug traffickers who have been using the same border crossings for a long time. The current insurgency period has not affected this network adversely. The Taliban have established cordial relations with these networks, and they cooperate with each other in the cross-border movements – Taliban providing them security and Smuggling networks providing cover to militants. Both Taliban and these smuggling networks get local support from Pashtun communities. Harmonious relationship with these communities allows them to operate freely, using communal bonds and to navigate the border areas as they can be easily absorbed with them for the purpose of crossing borders as common commuters.

Due to disagreement between Afghanistan and Pakistan over Durand line, how to deal with the terrorist networks across the border and who owns the responsibility of dealing with them is the major issue of contention between the two. There has been no serious effort from the Afghan government to deploy troops to all the border points along the Durand Line which are, or could be used, by militants. It has established checkpoints only at a limited number of the crossing points and the Taleban normally avoid these. The problem is that the main entry points used by the Taliban - Bahramcha and Badini have long been out of the control of the Afghan government[ix].

The internal instability in Afghanistan is further aggravated by Taliban's powerful posture in the ongoing event of US withdrawal. It is easy and convenient for Taliban to increase its activities in FATA by crossing the fragile border. This is a grave threat to already delicate security conditions in Afghanistan.

CONCLUSIONS

Increasing terrorism across the border and the threats posed by Islamic fundamentalist forces have complicated the political

and security issues in Pakistan and Afghanistan. To deal with the Taliban Threat there must be a strong commitment from both sides and honest attempts and willingness to control terrorism. Afghanistan must realise that there is no point in continuing with the disagreement over the legality of Durand line. As though Afghanistan does not otherwise accept the legitimacy of Durand line, it has established formal border crossings over the border for trade, international travellers, and other aspects of administration. Afghanistan also earns revenue out of the cross-border trade especially from smuggling and thus can be said to have accepted Durand line as the de facto border. Now it is time to accept it as a legal international border.

Once it is accepted as an international border, it is possible to have a dialogue with Pakistan. Whether Afghanistan wishes to accept it or not, Pakistan can have an important role in controlling Taliban networks in FATA. There is a need to make joint efforts to control the terrorist threat. The process is lengthy and incremental and needs perceptional change towards the development and stability of the entire region.

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